

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Steven Gier,

Plaintiff,

v.

Modern Exterminating Company, Inc.,

Defendant.

C.A. No. 3:20-cv-02991-MGL

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA

Pursuant to 28 U.S.C. § 1441(a) and (b), Defendant files this Notice of Removal to remove this action from the Court of Common Pleas for Richland County, South Carolina, to the United States District Court for the District of South Carolina, and state:

1. This action was commenced in the Court of Common Pleas for Richland County, South Carolina, on July 7, 2020, by filing of the Summons and Complaint. The Summons and Complaint, copies of which are attached, were thereafter served on Defendant on July 20, 2020.

2. The action referred to in paragraph 1 is a civil action over which this court has original and removal jurisdiction under 28 U.S.C. §§ 1331, and 1441(a) and (b). In particular, the court has jurisdiction under 28 U.S.C. §§ 1331, and 1441(a) and (b) in that it appears upon the face of the Complaint that this action arises under the Constitution and laws of the United States, specifically, Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”) More specifically, Plaintiff, a former employee of Defendant, alleges that Defendant violated the overtime provisions of the FLSA.

3. This Notice of Removal is filed within thirty (30) days after service of the Summons and Complaint upon Defendant and is therefore timely under 28 U.S.C. § 1446(b).

4. Copies of all pleadings and papers served on Defendant to date are attached and filed with this Notice of Removal.

5. Written notice of the filing of this Notice of Removal will be promptly served on Plaintiff.

6. A true and correct copy of this Notice of Removal will be filed with the Clerk of Court for the Court of Common Pleas for Richland County, South Carolina, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, Defendant removes this action to this Court's jurisdiction.

Columbia, South Carolina

August 19, 2020

s/Stephen T. Savitz
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